

SENATE BILL REPORT

EHB 1797

As Reported by Senate Committee On:
Business, Financial Services, Gaming & Trade, March 16, 2023

Title: An act relating to residential real estate appraisers being allowed to complete real property evaluations.

Brief Description: Concerning residential real estate appraisers being allowed to complete real property evaluations.

Sponsors: Representatives Cheney, Goodman, Hutchins and Graham.

Brief History: Passed House: 2/27/23, 95-0.

Committee Activity: Business, Financial Services, Gaming & Trade: 3/14/23, 3/16/23 [DPA].

Brief Summary of Amended Bill

- Permits a state-licensed or state-certified appraiser to perform evaluations of real estate for financial institutions as long as a disclaimer is provided.
- Provides the Department of Licensing regulatory authority over evaluations conducted by state-licensed appraisers or state-certified appraisers.
- Requires appraisers and appraiser trainees to adhere to nondiscrimination and fair housing provisions as provided in the ethics rule in accordance with the Appraisal Standards Board and the Uniform Standards of Professional Appraisal Practice.

SENATE COMMITTEE ON BUSINESS, FINANCIAL SERVICES, GAMING & TRADE

Majority Report: Do pass as amended.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Stanford, Chair; Frame, Vice Chair; Dozier, Ranking Member; Boehnke, Gildon, Hasegawa, Lovick and MacEwen.

Staff: Clinton McCarthy (786-7319)

Background: Federal Oversight of Real Estate Appraisals. In 1989, Congress enacted the Financial Institutions Reform, Recovery, and Enforcement Act, which set a dollar threshold value to require an appraisal and create the Appraisal Subcommittee to coordinate appraisal regulation. This legislation also mandated that property appraisers meet qualifications established by the Appraisal Foundation's Appraisal Qualification Board. The Appraisal Foundation maintains the Uniform Standards of Professional Appraisal Practice (USPAP). USPAP is the generally recognized ethical and performance standard for the appraisal profession in the United States.

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 established the Consumer Financial Protection Bureau (CFPB) and provided this new entity with rulemaking authority for residential mortgage appraisals by removing residential mortgage appraisals from the Appraisal Subcommittee. The Appraisal Subcommittee continues to have the authority to coordinate the regulation of commercial real estate appraisals.

Both the Appraisal Subcommittee and the CFPB rely on states to monitor and enforce compliance with federal standards.

State Oversight of Real Estate Appraisals. The Certified Real Estate Appraiser Act provides a regulatory framework to certify and license real estate appraisers in the state of Washington. A state-certified general real estate appraiser is certified to develop and communicate real estate appraisals of all types of property. A state certified residential real estate appraiser is certified to develop and communicate real estate appraisals of all types of residential property of one to four units. A state-licensed real estate appraiser is licensed to develop and communicate real estate appraisals of noncomplex one to four residential units, and complex one to four residential units and non residential property having transaction values specified in rules by the director.

The director of the Department of Licensing (DOL) has the authority to adopt rules, approve or deny application for certification or licensure. The Real Estate Appraiser Commission serves as a liaison between appraisal practitioners, the public, and DOL.

Prerequisite and Continuing Education Requirements for Licensure and Certification of Appraisers. As a prerequisite for licensure, an applicant is required to provide evidence to DOL they have completed the education requirements adopted by DOL by rule. Under existing rules, courses for pre-examination must be a minimum of 15 hours in length, directly related to real estate appraising, and include a proctored examination. Continuing education requirements for appraisers under existing DOL rules require 28 hours of instruction in courses or seminars. These courses must be completed within the term of

certification, licensure, or registration. Courses or seminars that active or inactive appraisers can take include, but are not limited to:

- ad valorem taxation;
- arbitrations, dispute resolution;
- business courses related to practice of real estate appraisal and consulting;
- construction estimating;
- ethics and standards of professional practice, USPAP;
- land use planning, zoning, and taxation;
- management, leasing, brokerage, timesharing;
- property development, partial interests;
- real estate appraisal—valuations/evaluations;
- real estate financing and investment;
- real estate law, easements and legal interests;
- real estate litigation, damages and condemnation;
- real estate related computer applications;
- real estate securities and syndication;
- real property exchange;
- appraisal and consulting report writing;
- green buildings;
- seller concessions;
- developing opinions of real property value in appraisals that also include personal property, or business value, or both; and
- other presentations approved by the director.

Fair Housing Continuing Education Requirements for Real Estate Brokers. In 2021, the Legislature directed real estate brokers to take specific course instruction on fair housing and consumer protection issues within existing continuing education requirements related to obtaining and maintaining real estate brokers licenses. DOL was directed to provide more specific training concepts after receiving input from select stakeholder groups.

Summary of Amended Bill: Authority for Appraisers to Perform Real Property Evaluations—Department of Licensing Regulatory Authority Over Real Property Evaluations. State licensed and state certified appraisers are given the authority to conduct real property evaluations in Washington. The Department of Licensing has authority over these appraisers when they are engaged to perform real property evaluations. An appraiser performing evaluations is required to include a disclaimer. The disclaimer must be located immediately above the appraiser's signature and include the following in at least 10-point boldface type: "I am a state-licensed appraiser or a state-certified appraiser. This evaluation was not prepared in my capacity as a real estate appraiser and might not comply with the Uniform Standards of Professional Appraisal Practice."

Education Requirements. Appraisers and appraiser trainees are required to adhere to nondiscrimination and fair housing provisions as provided in the ethics rule in accordance with the Appraisal Standards Board and the Uniform Standards of Professional Appraisal

Practice.

EFFECT OF BUSINESS, FINANCIAL SERVICES, GAMING & TRADE COMMITTEE AMENDMENT(S):

- Changes the title of the bill.
- Provides the Department of Licensing regulatory authority over evaluations conducted by state-licensed appraisers or state-certified appraisers.
- Changes the definition of "evaluation" to mean an estimate of the market value of real property or real estate.
- Clarifies that a financial institution choosing to do an evaluation does not excuse that institution from complying with the federal Financial Institutions Reform, Recovery, and Enforcement Act.
- Replaces the education requirements from the underlying bill with language that requires appraisers and appraiser trainees to adhere to nondiscrimination and fair housing provisions as provided in the ethics rule in accordance with the Appraisal Standards Board and the Uniform Standards of Professional Appraisal Practice.

Appropriation: None.

Fiscal Note: Requested on March 1, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Engrossed House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill clarifies that appraisers are allowed to do evaluations. They are already qualified to do this work. This just makes sure that they can do this work. We need people with the qualifications of an appraiser to do these evaluations. There is a late amendment coming and we are supportive of that amendment. Evaluations are used for low risk real estate transactions and do not require a full blown appraisal. Appraisers are the most qualified to do evaluations, but current law does not allow appraisers to conduct evaluations. An evaluation is an estimate, not an opinion. Valuation bias and fair housing education needs to conform with federal standards, and the amendment would allow for that.

OTHER: We had some concerns on the original bill. We have an agreed upon amendment that allows the Department of Licensing to have oversight over these evaluations. The valuation bias and fair housing education requirements need to comply with federal standards, and the amendment allows for this.

Persons Testifying: PRO: Representative Greg Cheney, Prime Sponsor; Scott DiBiasio, Appraisal Institute; Robert Mossuto, Appraisers' Coalition of Washington.

OTHER: Beau Perschbacher, WA Dept. of Licensing.

Persons Signed In To Testify But Not Testifying: No one.